

APR 28 2008

FACSIMILE COVER SHEET

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To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: April 25, 2008 ²⁸ _{4/28/08} ^{Jr}

*RESUBMITTED

Number of Pages Including Cover: 9

MESSAGE: FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee Transmittal (1 pg.) (in duplicate);
- 3) A copy of Notification of Missing Requirements Under 35 U.S.C. §371 (2 pgs.); and
- 4) An Executed Declaration and Power of Attorney form (3 pgs.).

Attorney Docket No.: Wuethhoff-10 (9A-99 194)

Appl. No.: 10/588,175

Applicants: Michael MROCHEN, et al.

Filed: August 2, 2006

Title: OPHTHAMOLOGICAL DEVICE

TC/A.U.:

Examiner: Terry M. Johnson Vessels

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification


John C. Pokotylo
Signature

April 28, 2008
Date

4/28/08

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Modified PTO/SB/21 (08-00)

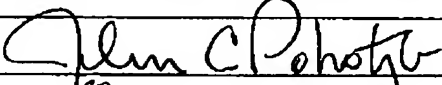
Approved for use through 10/31/2002. OMB 0651-0031

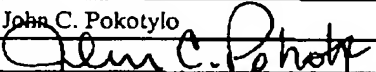
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/588,175
		Filing Date	August 2, 2006
		First Named Inventor	Michael MROCHEN
		Group Art Unit	Not yet assigned
		Examiner Name	Terry M. Johnson Vessels
Total Number of Pages in This Submission		Attorney Docket Number	Wuesthoff-10 (9A-99 194)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Postcard Receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Executed Declaration and Power of Attorney
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John C. Pokotylo (Reg. No. 36,242)
Signature	
Date	April 25, 2008 JCP 4/28/08

CERTIFICATE OF FACSIMILE	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patents and Trademark Office on this date: JCP 4/28/08	
Typed or printed name	John C. Pokotylo JCP 4/28/08
Signature	 Date April 25, 2008

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Modified PTO/SS/17 (01-03)

Approved for use through 04/30/2003. OMB 0851-0032
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**FEE TRANSMITTAL
for FY 2007**

Effective 09/30/2007. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete If Known

Application Number	10/588,175
Filing Date	August 2, 2006
First Named Inventor	Michael MROCHEN
Examiner Name	Terry M. Johnson Vessels
Art Unit	Not yet assigned
Attorney Docket No.	Wuesthoff-10 (9A-99 194)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number
Deposit Account Name

50-1049

Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

☒ Charge any underpayment of fee(s) indicated below ☒ Credit any overpayments☒ Charge any fee(s) due in connection with the filing submitted herewith☒ Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1030	515	Utility fee	
440	220	Design fee	
680	340	Plant fee	
1440	720	Reissue fee	
210	105	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from Below Fee Paid

Total Claims -20** = ☐ X ☐ = ☐

Independent Claims -3** = ☐ X ☐ = ☐

Multiple Dependent ☐ = ☐

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple dependent claim, if not paid
1204 210	2204 105	**Reissue independent claims over original patent
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 480	2252 230	Extension for reply within second month	
1253 1,050	2253 525	Extension for reply within third month	
1254 1,640	2254 820	Extension for reply within fourth month	
1255 2,230	2255 1,115	Extension for reply within fifth month	
1401 510	2401 255	Notice of Appeal	
1402 510	2402 255	Filing a brief in support of an appeal	
1403 1,030	2403 515	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 510	2452 255	Petition to revive - unavoidable	
1453 1,540	2453 770	Petition to revive - unintentional	
1501 1,440	2501 720	Utility issue fee (or reissue)	
1502 820	2502 410	Design issue fee	
1503 1,130	2503 585	Plant issue fee	
Petitions to the Commissioner - check fee sheet			
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 810	2809 405	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 810	2810 405	For each additional invention to be examined (37 CFR 1.129(b))	
1801 810	2801 405	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone (732) 936-1400
Signature	<i>John C. Pokotylo</i>	Date	April 25, 2008	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

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Account
Number
Deposit
Account
Name

50-1049

Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

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FEE CALCULATION

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SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent		-20** =		X			
Claims		-3** =		X			
Multiple Dependent							

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
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1201	2201	105 Independent claims in excess of 3	
1203	2203	185 Multiple dependent claim, if not paid	
1204	2204	105 **Reissue independent claims over original patent	
1205	2205	25 **Reissue claims in excess of 20 and over original patent	
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**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

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1810	810	2810 405 For each additional invention to be examined (37 CFR 1.129(b))	
1801	810	2801 405 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone	(732) 936-1400
Signature		Date	April 25, 2008	JZ	

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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,175	Michael Mrochen	Wuesthoff-10 (9A-99 194)
Straub & Pokotylo 620 Tinton Avenue Building B, 2nd floor Tinton Falls, NJ 07724		
INTERNATIONAL APPLICATION NO.		
PCT/EP05/01083		
I.A. FILING DATE	PRIORITY DATE	
02/03/2005	02/03/2004	

CONFIRMATION NO. 5061
371 FORMALITIES LETTER

Date Mailed: 02/26/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 08/02/2006
- Copy of the International Search Report filed on 08/02/2006
- Copy of IPE Report filed on 08/02/2006
- Preliminary Amendments filed on 08/02/2006
- Information Disclosure Statements filed on 08/02/2006
- Small Entity Statement filed on 08/02/2006
- Request for Immediate Examination filed on 08/02/2006
- U.S. Basic National Fees filed on 08/02/2006
- Priority Documents filed on 08/02/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221